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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
RAJAN, KAI	

ART UNIT	PAPER NUMBER
3769	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/825,575	HEINONEN ET AL.	
	Examiner	Art Unit	
	KAI RAJAN	3769	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/14/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Examiner acknowledges the reply filed October 14, 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 – 12, 14 – 24, and 26 – 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowell et al. U.S. Patent No. 6,292,687.

Note to Applicant: Regarding the interpretation of the claims, "configured to/for," "adapted to/for," and "wherein" are recitations of functional language. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The Examiner has placed recitations of functional language in *italics*.

1. A method, comprising:

receiving at a mobile wireless event handling device (Items 28, 30, 31, 32), a first signal via a first network, from a monitoring device (Item 27 sensor) adapted to convey information

relating to physiological parameters, the first signal comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitoring device (Column 5 lines 1 – 15, column 6 lines 26 – 50); and

transmitting from the mobile wireless event handling device, a second signal via a second network, the second signal including at least information corresponding to the identification of the monitoring device (Column 5 lines 1 – 15, column 6 lines 26 – 50, column 8 lines 34 – 44. GPS data identifies the location of the monitoring device).

3. The method of claim 1, wherein the monitor is adapted to detect, sense, or measure the physiological parameters (Column 5 lines 1 – 15).

4. The method of claim 1, wherein the monitor is adapted to stimulate, intervent, or control physiological functions affecting the physiological parameters (Column 5 lines 16 – 57. Instructing bystanders to retrieve and use an AED comprises intervention of the heart dysfunction).

5. The method of claim 1, wherein the physiological parameters relate to heart function (Column 5 lines 1 – 15).

6. The method of claim 1, wherein the physiological parameters relate to brain function (Column 1 lines 14 – 40. Heart rate is indicative of heart function, and heart failure diminishes the brain's cognitive ability. Therefore, heart rate signals are related to brain function.).

7. The method of claim 1, wherein the first signal and the second signal are wireless signals (Column 6 lines 26 – 64).

8. The method of claim 7, wherein the first network and the second network are wireless communication networks (Column 6 lines 26 – 64).

9. The method of claim 8, wherein the second network is a cellular network (Column 6 lines 26 – 64).

10. The method of claim 1, further comprising:

processing the first signal prior to transmitting the second signal (Column 5 lines 16 – 57. Personal alarm is sounded before transmitting a broadcast signal.).

11. The method of claim 10, wherein processing further comprises:

verifying a source of the first signal (Column 5 lines 16 – 57);

identifying an event associated with the first signal and related to the physiological parameters (Column 5 lines 16 – 57); and

determining a target for the second signal (Column 7 lines 2 – 61).

12. A system for handling an event, comprising:

a monitoring device *configured to* convey information relating to one or more physiological parameters, the monitoring device being further *adapted to* transmit a signal via a first network, the signal comprising at least a general broadcast emergency signal and including information corresponding at least to an identification of the monitoring device (Item 27); and

a mobile wireless event handling device *configured to* receive signals from the monitoring device including information corresponding to the identification of the monitoring device, the mobile wireless event handling device being further *adapted to* transmit a signal including information corresponding to the identification of the monitoring device via a second network (Items 28, 30, 31, 32).

14. The system of claim 12, *wherein* the monitoring device is *adapted to* detect, sense, or measure the physiological parameters (Column 5 lines 1 – 15).

15. The system of claim 12, *wherein* the monitoring device is *adapted to* stimulate, intervent, or control physiological functions affecting the physiological parameters (Column 5 lines 16 – 57. Instructing bystanders to retrieve and use an AED comprises intervention of the heart dysfunction).

16. The system of claim 12, *wherein* the physiological parameters relate to heart function (Column 5 lines 1 – 15).

17. The system of claim 12, *wherein* the physiological parameters relate to brain function (Column 1 lines 14 – 40. Heart rate is indicative of heart function, and heart failure diminishes the brain's cognitive ability. Therefore, heart rate signals are related to brain function.).

18. The system of claim 12, *wherein* the monitoring device is *adapted to* transmit wireless signals (Column 6 lines 26 – 64).

19. The system of claim 12, *wherein* the monitoring device is *adapted to* transmit a signal when one or more physiological parameters satisfies a predetermined criteria (Column 6 lines 26 – 64).

20. The system of claim 12, *wherein* the monitoring device is *adapted to* transmit signals on a substantially continuous basis (Column 6 lines 26 – 64).

21. The system of claim 12, *wherein* the mobile wireless event handling device is a*dapted to* transmit signals when one or more physiological parameters satisfies a predetermined criteria (Column 6 lines 26 – 64).

22. The system of claim 12, *wherein* the mobile wireless event handling device is *adapted to* transmit wireless signals via a second network (Column 6 lines 26 – 64).

23. The system of claim 12, *wherein* the mobile wireless event handling device comprises:

a data processing module *adapted to* verify a source of signals received, the data processing module being further *adapted to* identify an event associated with received signals and to determine a target for transmitted signals (Column 5 lines 16 – 57).

24. A physiological monitoring device, comprising:

a monitoring module *configured to* convey information relating to physiological parameters (Item 27); and

a transmitter *adapted to* transmit a signal via a first wireless network, the signal comprising at least a general broadcast emergency signal and including information corresponding at least to an identification of said monitoring module and an event information related to the physiological parameters (Column 6 lines 26 – 64).

26. The device of claim 24, *wherein* the monitoring module is *adapted to* detect, sense, or measure the physiological parameters (Column 5 lines 1 – 15).

27. The device of claim 24, *wherein* the monitoring module is *adapted to* stimulate, intervent, or control physiological functions affecting the physiological parameters (Column 5 lines 16 – 57. Instructing bystanders to retrieve and use an AED comprises intervention of the heart dysfunction).

28. The device of claim 24, *wherein* the physiological parameters relate to heart function (Column 5 lines 1 – 15).

29. The device of claim 24, *wherein* the physiological parameters relate to brain function (Column 1 lines 14 – 40. Heart rate is indicative of heart function, and heart failure diminishes the brain's cognitive ability. Therefore, heart rate signals are related to brain function.).

30. The device of claim 24, *wherein* the transmitter is adapted to transmit wireless signals (Column 6 lines 26 – 64).

31. The device of claim 24, *wherein* the transmitter is *adapted to* transmit the signal when one or more physiological parameters satisfies a predetermined criteria (Column 6 lines 26 – 64).

32. The device of claim 24, *wherein* the transmitter is *adapted to* transmit the signal on a substantially continuous basis (Column 6 lines 26 – 64).

33. A mobile wireless event handling device, comprising:

a receiving module *configured to* receive signals via a first wireless network, the signals comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitor, the general broadcast emergency signal being *adapted for* receipt by all mobile devices within

communication range of the monitor and being equipped with at least minimal event handling capabilities (Column 5 lines 1 – 15, column 6 lines 26 – 50); and

a transmitting module *configured to* transmit signals including at least information corresponding to the identification of the monitor via a second network (Column 5 lines 1 – 15, column 6 lines 26 – 50, column 8 lines 34 – 44. GPS data identifies the location of the monitoring device).

34. The device of claim 33, *wherein* the monitor is *adapted to* detect, sense, or measure the physiological parameters (Column 5 lines 1 – 15).

35. The device of claim 33, *wherein* the monitor is adapted to stimulate, intervent, or control physiological functions affecting the physiological parameters (Column 5 lines 16 – 57. Instructing bystanders to retrieve and use an AED comprises intervention of the heart dysfunction).

36. The device of claim 33, *wherein* the transmitting module is *adapted to* transmit signals when one or more physiological parameters satisfies a predetermined criteria (Column 6 lines 26 – 64).

37. The device of claim 33, *wherein* the transmitting module is *adapted to* transmit wireless signals via the second network (Column 6 lines 26 – 64).

38. The device of claim 33, further comprising:

a data processing module *adapted to* verify a source of signals received by the receiving module, the data processing module being further *adapted to* identify an event associated with the signals received by the receiving module and to determine a target for signals transmitted by the transmitting module (Column 5 lines 16 – 57, column 7 lines 2 – 61).

39. A program product, comprising machine readable program code for causing a mobile wireless event handling device to perform the following steps:

receiving a first signal in the mobile wireless event handling device from a monitor adapted to convey information related to physiological parameters via a first network, the first signal comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitor, the general broadcast emergency signal being adapted for receipt by all mobile devices within communication range of a source of the first signal and being equipped with at least minimal event handling capabilities (Column 5 lines 1 – 15, column 6 lines 26 – 50); and

transmitting a second signal via a second network, the second signal including at least information corresponding to the identification of the monitor (Column 5 lines 1 – 15, column 6 lines 26 – 50, column 8 lines 34 – 44. GPS data identifies the location of the monitoring device).

40. The method of claim 1, wherein the second signal further includes identification of the mobile wireless event handling device (Column 5 lines 1 – 15, column 6 lines 26 – 50, column 8 lines 34 – 44. GPS data identifies the location of the monitoring device).

41. The method of claim 1, wherein the first signal comprises a broadcast communication device (Column 5 lines 1 – 15, column 6 lines 26 – 50).

42. The method of claim 1, wherein the general broadcast emergency signal is adapted for receipt by all mobile wireless event handling devices within communication range of the monitoring device (Column 6 lines 26 – 64).

43. The method of claim 42, wherein the mobile wireless event handling devices are equipped with at least minimal event handling capabilities for receiving the general broadcast emergency signal (Column 6 lines 26 – 64).

44. The method of claim 1, wherein the mobile wireless event handling devices includes at least minimal event handling capabilities for receiving the general broadcast emergency signal (Column 6 lines 26 – 64).

45. The system of claim 12, wherein the general broadcast emergency signal is adapted for receipt by all mobile devices within communication range of the monitoring device and being equipped with at least minimal event handling capabilities (Column 6 lines 26 – 64, column 7 lines 1 – 24).

46. The device of claim 24, wherein the general broadcast emergency signal is adapted for receipt by all mobile devices within communication range of the transmitter and being equipped with at least minimal event handling capabilities (Column 6 lines 26 – 64, column 7 lines 1 – 24).

47. The method of claim 1, wherein the first signal further includes information conveying location of the monitoring device (Column 8 lines 34 – 44).

48. The system of claim 12, wherein the signal further includes information conveying location of the monitoring device (Column 8 lines 34 – 44).

49. The device of claim 24, wherein the signal further includes information conveying location of the monitoring device (Column 8 lines 34 – 44).

50. The device of claim 33, wherein the signal further includes information conveying location of the monitoring device (Column 8 lines 34 – 44).

51. The program product of claim 39, wherein the signal further includes information conveying location of the monitoring device (Column 8 lines 34 – 44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 13, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell et al. U.S. Patent No. 6,292,687 in view of Haller et al. U.S. PGPub No. 2002/0052539.

In regards to claims 2, 13, and 25, Lowell et al. discloses an external device for monitoring heart rate or ECG (Lowell et al. column 4 lines 62 – 67, column 6 lines 1 – 15), yet fails to disclose an implanted monitor. However, Haller et al. a reference in an analogous art for recording heart signals discloses external or implanted heart rate monitors (Haller et al. paragraph 0240). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the external monitor of Lowell et al. with the implanted monitor of Haller et al., since Haller et al. discloses the two as interchangeable (Haller et al. paragraph 0240).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAI RAJAN whose telephone number is (571)272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kai Rajan/
Examiner, Art Unit 3769

/Michael C. Astorino/
Primary Examiner, Art Unit 3769

January 26, 2009